



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 20, 1998

Ms. Deane Bostick-Martin  
Records System Supervisor  
Lubbock Police Department  
P.O. Box 2000  
Lubbock, Texas 79457

OR98-0183

Dear Ms. Bostick-Martin:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 112876.

The Lubbock Police Department (the "department") received a request for records pertaining to case number 97-29251. You have released the accident report and the front page offense report information to the requestor. You assert that the remaining requested information is excepted from disclosure by sections 552.103 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108, the "law enforcement exception," provides in relevant part as follows:

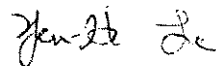
(a) [i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of 552.021 if: (1) release of the information would interfere with the detection, investigation or prosecution of crime; [or] (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication. . . .

You state that the remaining requested information relates to evidence in a criminal investigation, and that release would interfere with the prosecution of the potential criminal charges. Based on your arguments, we conclude that release of the remaining requested information would interfere with the detection, investigation, or prosecution of crime. See *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.3d 177 (Tex. Civ. App.--Houston [14<sup>th</sup> dist.] 1975), writ ref'd n.r.e. per curiam, 536 S.W.2d 559 (Tex. 1976)

(court delineates law enforcement interests that are present in active cases). Thus, you may withhold the remaining requested information under section 552.108(a)(1). Although section 552.108 authorizes you to withhold the information from public disclosure, you may choose to release all or part of the information at issue that is not otherwise confidential by law. See Gov't Code § 552.007.

As we have resolved the matter under section 552.108, we need not address your other claimed exception. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/rho

Ref: ID# 112876

Enclosures: Submitted documents

cc: Ms. Nancy J. Stoll  
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(w/o enclosures)